



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
**ST. LOUIS DISTRICT CORPS OF ENGINEERS**  
1222 SPRUCE STREET  
ST. LOUIS, MISSOURI 63103-2833

August 6, 2014

Regulatory Branch  
File Number: MVS-2014-562

Mr. Jason Gunter  
USEPA Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219

Dear Mr. Gunter:

The U.S. Army Corps of Engineers (the Corps), St. Louis District Regulatory Branch has reviewed the preliminary plans for the Big River mine tailings remediation project in St. Francois County, Missouri. The Corps prepared the plan in support of the project-specific Interagency Agreement (IA) between the Corps and USEPA. The IA establishes a framework by which these agencies can collaborate on remediation actions within the Big River. The project-specific IA is supported by a 1984 Memorandum of Agreement (MOA), which generally directs the Corps to manage design and construction contracts and provide technical assistance to USEPA in support of remedial response cleanup of hazardous waste sites. Additionally, the plan has been developed in cooperation with the Big River Task Force (BRTF). The BRTF includes USEPA, the U.S. Fish and Wildlife Service, the Missouri Department of Natural Resources, the Missouri Department of Conservation, and the Corps. The BRTF was established to evaluate the issue of mine tailings contamination within the Big River, and determine how best to utilize Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) funding to address remediation.

The objective of the plan is to capture and remove contaminated channel sediments within an approximate 40-acre site adjacent to the Big River, located near its confluence with the Flat River. The contamination stems from the historic introduction of mine tailings containing heavy metals to the Big River watershed. The proposed plan includes the installation of an in-stream Newbury riffle, behind which sediments are anticipated to accumulate for removal. Additionally, the plan includes the installation of a system of berms and pipes to capture high flows from the Big River; retain them off-channel to allow sediment fallout and capture; and discharge the flows back to the river.

Section 404 of the Clean Water Act assigns responsibility to the Secretary of the Army to administer a permit program to regulate the placement of dredged or fill material into waters of the United States. The placement of any dredged or fill material into waters of the United States below ordinary high water elevation, or in wetlands adjacent to these waters, must be authorized by a Section 404 permit. Big River, as well as the Flat River, are perennial tributaries to the Meramec River. Therefore, these

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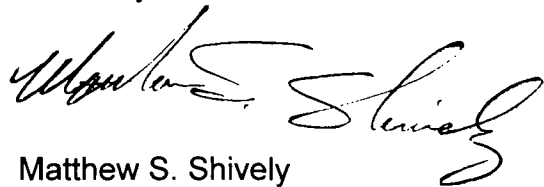
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waterbodies are considered Waters of the United States, under Corps jurisdiction. Activities of the proposed nature would typically require Section 404 authorization from the Corps. However, the provisions of Section 404 provide an exemption for projects undertaken entirely on a CERCLA site (77 FR 10272). We understand that the proposed Big Rivers sediment capture project meets this exemption. Therefore, a Department of the Army, Section 404 permit shall not be required for the Big River tailings remediation project.

If you have any questions please contact Matt Shively at (314) 331-8632. The St. Louis District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the enclosed postage paid card or go to our Customer Service Survey found on our web site at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey).

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew S. Shively", written in a cursive style.

Matthew S. Shively  
Regulatory Branch